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EXAMINER	
CHOI, PETER H	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,834	PARMASAD ET AL.	
	Examiner	Art Unit	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-39 are pending in the application.

Priority

2. In view of the applicant's amendment to the specification, the previous objection to the priority of the application made in the Office Action mailed March 9, 2005 is withdrawn.

Drawings

3. The previous drawing objections made in the Office Action mailed March 9, 2005 is withdrawn in view of the applicant's amendment to the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 3, 5, 7, 9 - 10, 16, 18 - 24, 26 - 28, 33, and 35 - 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayer et al. (U.S Patent #6,311,190).

As per claim 1, Bayer et al. teaches a method for determining a voting result for a voting issue, comprising:

providing notification of a voting website to a plurality of eligible voters, wherein the notification is provided via an email message sent to each eligible voter of the plurality of eligible voters, wherein the notification provides the plurality of eligible voters with access to the voting website (with a hyperlink to the URL) [Column 13, lines 56-58 and Column 18, lines 55-60];

for each eligible voter of the plurality of eligible voters that accesses the voting website, validating identity of the eligible voter to produce a validated voter (authenticating registered users in step 242; cookies are used by network server 12 to determine if the voter has already voted in the campaign; if a record found in the VoteLog table and a VoteCookie matches the Voting Digital ID associated with present survey and voting campaign, the voter cannot vote again in step 70) [Column 14, lines 28-32, 42-46, 58-63, Column 28, lines 13-14; Figure 4];

receiving voting information (answers to survey questions) from validated voters [Claim 1]; and

compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5].

As per claims 2 and 19, Bayer et al. teaches the method of claim 1, wherein the email message provided to each eligible voter includes a hyperlink (URL) to the voting website [Column 13, lines 56-58].

As per claims 3 and 20, Bayer et al. teaches a method where registration information about users, such as their email address (element 168 of Figure 15), can be obtained from a database (element 15 of Figure 15) [Column 19, lines 24-32] and may be used generate an email message to eligible voters (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign) using the email address retrieved [Column 18, lines 58-60].

As per claims 5 and 24, Bayer et al. teaches the method of claim 1 wherein providing the plurality of eligible voters with access to the voting website further comprises:

sending an email message to potential voters (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign) [Column 18, lines 45-60] wherein the email message provided to each eligible voter includes a hyperlink (URL) to the voting website [Column 13, lines 56-58, Column 18, lines 45-60];

receiving consent (registration) information corresponding to at least a portion of the plurality of potential voters based on responses (user name, password and email address) provided by the at least a portion of the plurality of potential voters via the consent (registration campaign) website [Column 19, lines 24-30]; and

determining the plurality of eligible voters (authenticating validation) from the at least a potion of the plurality of potential (registered) voters based on the consent information (registration information; user name and password entered matches the retrieved nickname and password of a registered user) [Column 28, lines 13-14].

As per claims 7 and 26, Bayer et al. teaches the method of claim 1, wherein validating identify of the eligible voter to produce a validated voter further comprises:

receiving a user identity (step 240) from the eligible voter;

receiving a password (step 240) from the eligible voter;

comparing the password with a stored password corresponding to the user identity (step 242) to produce a comparison result, wherein when the comparison result is favorable, the eligible voter is validated to produce a validated voter [Column 28, lines 5-25].

As per claims 9 and 27, Bayer et al. teaches the method of claim 1, wherein validating identity of the eligible voter to produce a validated voter further comprises:

detecting an electronic certificate (VoteCookie, a Voting Digital ID generated by the network server 12 used for determining when a voter has voted previously for a survey in a voting campaign) stored on a host device (host computer) associated with the eligible voter; and

comparing the electronic certificate (VoteCookie) with a validation certificate (VoteLog table) stored in a database to produce a comparison result, wherein when the comparison result is favorable (no voting record found in the VoteLog table), the eligible

voter is validated (indicating that the user has not yet voted) to produce a validated voter. [Column 10, lines 26-30 and Column 14, lines 14-50]

As per claim 10, Bayer et al. teaches the method of claim 1, wherein compiling the voting information further comprises storing the voting information (answers to survey questions received from each voter) in a database [Claim 5].

As per claims 16 and 33, Bayer et al. teaches the method of claim 1 wherein providing the plurality of eligible voters with access to the voting website further comprises:

providing a consent notification (sending an email message) to a potential voter of a plurality of potential voters, wherein the consent notification notifies the potential voter of the consent website (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign; embedded hyperlink to a particular URL of an associated registration campaign may be provided) [Column 12, lines 22-24, Column 18, lines 45-55, 58-60];

receiving consent (registration) information corresponding to at least a portion of the plurality of potential voters based on responses (user name, password and email address) provided by the at least a portion of the plurality of potential voters via the content (registration) website [Column 19, lines 24-30]; and

determining the plurality of eligible voters (authenticating validation) from the at least a potion of the plurality of potential (registered) voters based on the consent (registration) information [Column 28, lines 13-14].

As per claim 18, Bayer et al. teaches a voting management processor, comprising:

a processing module (computer system represented by network server 12); and

memory (element 14 of Figure 1) operably coupled to the processing module, wherein the memory stores operating (programmed) instructions that, when executed by the processing module, cause the processing module to perform functions that include:

providing notification of a voting website to a plurality of eligible voters, wherein the notification is provided via an email message sent to each eligible voter of the plurality of eligible voters, wherein the notification provides the plurality of eligible voters with access to the voting website (with a hyperlink to the URL) [Column 13, lines 56-58 and Column 18, lines 55-60];

for each eligible voter of the plurality of eligible voters that accesses the voting website, validating (authenticating) identity of the eligible (registered) voter to produce a validated voter (step 242) [Column 28, lines 13-14];

receiving voting information (answers to survey questions) from validated voters [Claim 1]; and

compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5].

As per claim 21, Bayer et al. teaches the voting management processor of claim 20, wherein the voter database (database 15 of Figure 1 storing voting information,

such as VoteLog table 44 that defines a log for each voter with the voting site of system 10 and Tally table 46 records a tally of the vote totals for each of the answers to the questions for each survey) is stored in the memory (element 14 of Figure 1) [Figure 1 and Column 5, lines 12-15, Column 6, lines 66-67, Columns 7-10].

As per claim 22, Bayer et al. teaches the voting management processor of claim 20, wherein the voter database (database 15) is accessed by the voting management processor (computer system operating in accordance with software; each of the computers 18 represents a network client when connected to network server 12, such that the network server 12 performs tasks at the commands of the network client) over a network (network server 12 and network 20; network server 12 is coupled to transaction server 16; administrator computer 17 connects to network server 12 via network 20) [Figure 1; Column 5, lines 13-16, 25-28, 39-40, 42-44, Column 6, lines 11-17].

As per claim 23, Bayer et al. teaches the voting management processor of claim 20, wherein the memory stores additional (programmed) instructions such that the functions performed by the processing module (network server 12 operates in accordance with software representing programmed instructions providing a voting site 22 and a registration site 24 on network 20; transaction server 16 represents a computer system connected to memory 14 and programmed in accordance with database software) include providing a plurality of hyperlinks on the voting website, wherein a first hyperlink of the plurality of hyperlinks directs an eligible voter to a voting page (URL of a registration/voting campaign) and a second (embedded) hyperlink of the

plurality of hyperlinks directs the user to documentation related to the voting issue (URL of an associated campaign) [Column 5, lines 42-44, 59-61 and Column 18, lines 49-55].

Furthermore, it is inherent that programmed instructions in executable software are stored in computer memory. Bayer et al. teaches a computer-embodied system comprising means for conducting surveys and registering voters; therefore, the steps performed by the system have been programmed and stored in computer memory for execution.

As per claim 28, Bayer et al. teaches the voting management processor of claim 18, wherein compiling the voting information further comprises storing the voting information (whether or not a voter voted and who they voted for) in the memory (VoteLog table, voting information stored in database 15, which is stored in memory 14) [Column 6, line 66 – Column 7, line 24, Column 14, lines 36-50].

As per claim 35, Bayer et al. teaches a voting system, comprising:

a first network (network 20 of Figure 1);

a voting server (network server 12 of Figure 1) operably coupled to the first network; and

a plurality of clients (computer 18 of Figure 1) operably coupled to the first network, where each of the plurality of clients provides access to the voting server to a portion of a plurality of potential voters, wherein the voting server performs functions that include:

receiving consent (registration) information corresponding to at least a portion of the plurality of potential voters based on responses (user name, password and email address) provided by the at least a portion of the plurality of potential voters via the content (registration) website [Column 19, lines 24-30];

determining the plurality of eligible voters (authenticating validation) from the at least a potion of the plurality of potential (registered) voters based on the consent (registration) information [Column 28, lines 13-14];

sending voting notification email message to the plurality of eligible voters (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign) [Column 18, lines 45-60], wherein the voting notification email messages provide access to a voting website (an embedded hyperlink to a particular URL of an associated registration campaign may be provided in the results page provided by the voting site, such that a voter at the voting site may link to the associated registration campaign at the registration site) managed by the voting server (voting site 22, registration site 24; in addition to enabling voting on surveys in multiple campaigns at voting site 22, system 10 allows voters, or other registrants, to register under one of multiple registration campaigns through a registration questionnaire at registration site 24) [Column 13, lines 56-58, Column 18, lines 45-60];

for each eligible voter of the plurality of eligible voters that accesses the voting website, validating (authenticating) identity of the eligible (registered) voter to produce a validated voter (step 242) [Column 28, lines 13-14];

receiving voting information (answers to survey questions) from validated voters [Claim 1]; and

compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5].

As per claim 36, Bayer et al. teaches the voting system of claim 35 wherein the functions performed by the voting server further include:

sending an email message to potential voters (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign) [Column 18, lines 45-60].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 4, 6, 8, 11 – 15, 17, 25, 29 – 32, 24, and 37 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayer et al.

As per claim 4, Bayer et al. teaches the method of claim 1 further comprising providing a hyperlink on the voting website, wherein a first hyperlink of the plurality of

hyperlinks directs an eligible voter to a voting page (URL of a registration/voting campaign) and a second (embedded) hyperlink of the plurality of hyperlinks directs the user to documentation related to the voting issue (URL of an associated campaign) [Column 18, lines 49-55].

Official Notice is taken that it is old and well known in the surveying/electoral arts that there are a myriad of issues in any election. For example, in a political election, each candidate has a different platform, and each candidate further has a different outlook on key issues (such as health care, Social Security, etc.). In order for voters to make informed votes, they must have access to additional information regarding the issues/candidates/options involved in the election. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to include the step of providing potential participants with a plurality of hyperlinks to the issues and candidates/choices being decided on by the survey/election in order to enable prospective voters to collect the necessary information needed to make an informed decision.

As per claims 6, 17, 25 and 34, Bayer et al. teaches the method of claim 5, wherein at least one hyperlink is provided on the voting website, wherein a first hyperlink directs an eligible voter to a voting page (URL of a registration/voting campaign) when the eligible voter has consented to vote electronically, and a second (embedded) hyperlink directs the eligible voter to documentation related to the voting

issue (URL of an associated campaign) when the eligible voter has consented to receive documentation electronically [Column 18, lines 49-55].

Bayer et al. is silent regarding consent to vote electronically and consent to receive documentation electronically. However, it is common knowledge that users who have registered for elections are subject to receiving relevant documentation, commonly in electronic formats. The examiner has interpreted the act of user registration taught by Bayer et al. to be a statement of the user's intent to vote using the web site and an authorization for the web site to send relevant documentation to the user. Therefore, the system taught by Bayer et al. meets the limitations of the claim.

As per claim 8, Bayer et al. fails to explicitly teach a method wherein receiving the user identity and the password is performed using a secure data communication protocol. However, it is old and well known in the art that either a HTTPS protocol or a SSL protocol can be used to handle secure communication between a web server and a web browser. It is common knowledge that the HTTPS protocol typically handles credit card transactions and other sensitive data. It is also common knowledge that the SSL protocol is designed to provide privacy between a web server and a web browser by authenticating the server (and sometimes the client) uses an algorithm to encrypt data. It is old and well known in the art that such security measures are compatible with web browsers and are used by websites that typically transmit sensitive data. Authenticating the identity of the user would result in preventing voter fraud (ineligible voters, voters voting multiple times, etc, voting under a different name, etc) and would allow the

system to recognize what issues the user is eligible to vote for. Encrypting transmitted data would prevent secure information about the user or their vote from being monitored (reducing the risk of identity theft by computer hackers) and would provide users with a greater sense of security that may lead to increased voter participation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to use a secure data communication protocol for the reasons discussed above therein.

As per claims 11 and 29, Bayer et al. teaches a method where an email message is generated (solicit voters to a particular voting campaign by e-mail with a hyperlink to the URL of a voting campaign) using the email address retrieved [Column 18, lines 58-60], but does not explicitly teach sending the email message to a transfer agent. However, it is old and well known in the art that the role of transfer agents in the election process is to store tallied results, or to tally the received votes and determine a winner.

Furthermore, Official Notice is taken that it is old and well known in the voting arts that in traditional voting systems, votes are tallied at voting centers and the ballots are then sent to a central facility in case of a recount, and that, similarly, electronic voting systems also tally votes, and subsequently forward ballots to a proxy party (such as a transfer agent) for independent recounting and management of ballots to ensure that ballots are not tampered with and to confirm the voting results.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to generate and send an email message to transfer agents including voting information corresponding to eligible voters so that received votes can be tallied and verified and a winner can be determined while ensuring that ballots are not tampered with in case of a need of a recount.

As per claims 12 and 30, Bayer et al. is silent regarding the encryption of an email message prior to sending the at least one transfer agent email message to the transfer agent. However, it is old and well known in the art that email messages containing confidential and sensitive data, such as financial information (credit card and bank account numbers), and personal identification (social security numbers) are encrypted and transmitted through a secure connection to a network server. It would have been obvious to one of ordinary skill to modify the teachings of Bayer et al. by encrypting email messages in order to ensure voter privacy and to prevent tampering with election results.

As per claims 13 and 31, Bayer et al. teaches a method wherein compiling the voting information further comprises:

generating and sending an email message (solicit voters to a particular voting campaign by e-mail) [Column 18, lines 58-60]

Bayer et al. is silent regarding sending email messages containing voting information to transfer agents. However, it is old and well known in the art that the role

of transfer agents in the election process is to store tallied results, or to tally the votes and determine a winner. It is common knowledge that, if the transfer agent is assigned the responsibility of tallying the votes to determine the winner, then whenever voting information is received during the predetermined voting time period, it should be sent to the transfer agent for tallying. Invalid votes are not taken into consideration when determining the winner.

Official Notice is taken that it is old and well known in the voting arts that invalid votes need not to be sent to a transfer agent.

It is common knowledge that elections occur during a predetermined voting period, as they are not indefinite events. It is old and well known in the art that any system used to conduct elections would have some means accepting votes only during the predetermined voting period, disregarding any votes received after this period and ceasing to accept additional completed voting forms. It is old and well known in the voting arts that voters who failed to register or vote during the predetermined voting time will not have their votes tallied in determining the winner. It is common knowledge that eligible nonvoters have no "default" selections, as they did not participate in the election. The method taught by Bayer et al. could be used to send a final email message at the end of a predetermined voting time regarding voting information such as the number of eligible nonvoters, the number of eligible voters who participated in the election, the voting results of participating voters, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al.

to generate and send an email message to transfer agents including voting information corresponding to votes during a predetermined time period so that valid received votes can be tallied and verified and a winner can be determined while ensuring that ballots are not tampered with in case of a need of a recount.

As per claims 14 and 32, Bayer et al. does not teach the step of transferring contents of a database to the transfer agent. However, means of transferring electronic data are old and well known in the art (including electronic data interchange, file transfer protocol, compact disc, floppy disk, etc). It is old and well known in the art that the role of transfer agents is to tally all the votes cast for the voting issue, or simply to store results after all votes have been tallied. It is common knowledge that records of elections must be maintained to verify election results, especially in case of recounts. It is also common knowledge that, without a backup copy of the elections, there is the risk of losing existing data (file corruption, hard drive crashing, hacked by external entities, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to transfer the contents of the database to the transfer agent for the reasons discussed above therein.

As per claim 15, Bayer et al. is silent regarding a method wherein email messages to the plurality of eligible voters are delivered via an internal network, wherein website access to the eligible voters is provided via the internal network, and wherein email messages to the transfer agent are delivered via an external network.

It is old and well known in the computing arts that the essential idea of an Intranet is that it uses Local Area Network (LAN) technologies to facilitate communication between people and improve the knowledge base of an organization's employees. Intranets can include mail servers based on low cost Internet technology. Two pieces of software must run on the mail server. First, Simple Mail Transfer Protocol (SMTP) server software is required to communicate with other mail servers to transfer mail between mail servers. A Post Office Protocol (POP) server is required to communicate with the end user computers for reading and sending mail. On an Intranet, network administrators can prescribe access and policy for a fixed group of users. Intranets make use of Internet technologies within an organization to achieve better results than the conventional means of data access and transfer, while cutting costs and providing easy and fast access to information. The network firewalls that surround an Intranet prevent unauthorized access. Transfer agents are usually independent parties not in the organization, and would therefore be prohibited from accessing the intranet to view websites or receive email.

Official Notice is taken that an internal network (such as an Intranet) would be used to deliver email messages and website access to locally networked users, and that an external network (such as the Internet) would be used to deliver email messages to non-local, non-networked users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to include the steps of using internal networks to deliver email messages and provide website access to voters and using external networks to deliver email messages to external parties (such as a transfer agent) because the resulting invention would simultaneously ensure that outside parties would not be able to access and tamper with information (such as voting results and hyperlinks to related issues) located on the local network (Intranet) while taking advantage of built-in firewalls, and provide a means for outside parties (such as a transfer agent) to receive results and completed ballots.

As per claim 37, Bayer et al. teaches the voting system of claim 35 further comprising:

a voting server (network server 12 of Figure 1) compiles the voting information such that compiling includes:

generating at least one email message (solicit voters to a particular voting campaign by e-mail) [Column 18, lines 58-60],

Bayer et al. does not explicitly teach sending an email message including voting information to a transfer agent. However, it is old and well known in the art that the role of transfer agents in the election process is to store tallied results, or to tally the votes and determine a winner.

Official Notice is taken that voting information corresponding to eligible voters is used in producing a voting result. Regardless of who tallies the results, it is an old and well known practice that the process would involve the step of compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5], as taught by Bayer et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to send voting information to transfer agents so that received votes can be tallied and verified and determined, and a winner can be determined, while ensuring that ballots are not tampered with in case of a recount.

Bayer et al. is also silent regarding the presence of a second network coupled to the voting server and a transfer agent being operably coupled to that second network. However, it would have been obvious to one of ordinary skill in the art at the time of invention to couple the transfer agent to a network to enable the transfer agent to receive voting information in the form of email messages and database file contents so that received votes can be tallied and verified, and a winner can be determined.

As per claim 38, Bayer et al. fails to explicitly teach a voting system wherein the first network is a secure internal network and wherein the second network is an external network, wherein the voting information included in the at least one transfer agent email message is encrypted prior to being sent to the transfer agent. However, it is old and well known in the art that email messages containing confidential and sensitive data,

such as financial information (credit card and bank account numbers), and personal identification (social security numbers) are encrypted and transmitted through a secure connection to a network server. Therefore, it would have been obvious to one of ordinary skill to modify the teachings of Bayer et al. by encrypting email messages in order to ensure voter privacy and to prevent tampering with election results.

It also is old and well known in the art that Intranets are secure internal networks that can include mail servers based on low cost Internet technology. It is common knowledge that transfer agents are usually independent parties not in the organization, and would therefore be prohibited from accessing the intranet to view websites or receive email, so the use of external networks would inherently be required to deliver email messages. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to include Intranets to provide registered voters secure access to the voting website, where they can view relevant information and vote.

As per claim 39, Bayer et al. fails to explicitly teach the voting system of claim 37 further comprising a broker server operably coupled to the second network, wherein the broker server collects broker client voting information from a plurality of broker clients, wherein the broker server forwards the broker client voting information to the transfer agent via the second network, wherein the transfer agent compiles the voting information in the at least one transfer agent email message with the broker client voting information to produce the voting result. Bayer et al. does not explicitly teach a broker

server coupled to a network that collects and forwards voting information to transfer agents. However, it is old and well known in the art that data servers are integral parts of transferring electronic information and data. It is also old and well known in the art that the role of transfer agents in the election process is to store tallied results, or to tally the votes and determine a winner.

Official Notice is taken that voting information corresponding to eligible voters is used in producing a voting result. Regardless of who tallies the results, it is an old and well known practice that the process would involve the step of compiling the voting information (adding received answers to information stored in a database) from the validated voters to produce the voting result [Claim 5], as taught by Bayer et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Bayer et al. to send voting information to transfer agents so that received votes can be tallied and verified and determined, and a winner can be determined, while ensuring that ballots are not tampered with in case of a recount.

Response to Arguments

8. Applicant's arguments filed 9/14/05 have been fully considered but they are not persuasive.

As per claims 1 and 18, the Applicant argues that the Bayer et al. reference fails to disclose the step, "for each eligible voter of the plurality of eligible voters that accesses the voting website, validating identify of the eligible voter to produce a validated voter".

The Examiner respectfully disagrees. The system taught by Bayer et al. is used simultaneously to conduct surveys, and to register voters to participate in said surveys.

Column 28, lines 13-14, states, "The registrant is authenticated if the user name and password entered matches the retrieved nickname and password (step 242)"

Column 14, lines 58-63, states, "Registration Digital ID is located in a record in the registration tables storing registration information (step 78), i.e., if the voter has registered with system 10, the record in the Cookie field of the Users Table having the Registration Digital ID is located and then linked to the record in RegistrationData Table".

Column 14, lines 28-32, states, "The system requires that cookies be allowed to be stored at a browser of computer 18, such that the network server 12 can determine if the voter has already voted for survey(s) in the campaign".

Column 14, lines 42-46, states, "However, at step 74, if a record in found in the VoteLog table and a VoteCookie matches the Voting Digital ID associated with present survey and voting campaign, then the voter has already voted and cannot vote again (step 70)".

Figure 4 shows an authentication step between the administrator network client and the voting site. Figure 11 shows the step of determining if the user has already voted, and prohibits multiple votes per user.

The cited passages suggest that the Bayer et al. reference teaches a system that validates the identity of registered users and prohibits said users from voting multiple times in a single voting campaign.

The applicant argues that Bayer et al. teaches away from the claimed invention as forth in claim 1, citing Column 18, lines 55-57, which reads, "The registration campaigns at the registration site operate independently of voting campaigns".

The Examiner respectfully disagrees. As stated above, the Bayer et al. reference teaches a system that is used to conduct surveys and also to register voters for participation in said surveys. The passage cited by the applicant (which was previously cited by the Examiner) is a statement that the registration campaigns are independent of the voting campaigns; that registration campaigns exist for each voting campaign.

This statement of independence also suggests that the act of registering through the system does not automatically affiliate registered users with a specific candidate/choice/issue. The registration and voting modules are independent and separate entities, as shown in Figure 1. The only relationship between the two modules is that voters must first be registered, and votes by voters are communicated to the registration module to update said user's voting log, in order to prohibit said user from voting multiple times for that question/election.

As per claims 5 and 24, the Applicant argues that the Bayer et al. reference does not teach the step of "sending a consent email message to each particular voter of a plurality of potential voters, wherein the consent email message includes a hyperlink to a consent website".

The Examiner respectfully disagrees. Bayer et al. teaches that, "in addition to enabling voting on surveys in multiple campaigns at voting site 22, system 10 allows voters, or other registrants, to register under one of multiple registration campaigns through a registration questionnaire at registration site 24. Similar to a voting campaign, each registration campaign has an assigned URL. An embedded hyperlink to a particular URL of an associated registration campaign may be provided in the results page provided by the voting site, such that a voter at the voting site may link (connect) to the associated registration campaign at the registration site. The registration campaigns at the registration site operate independently of voting campaigns in system

10, but provide a means of obtaining registration information about voters which may be used to later solicit voters to a particular voting campaign, such as by E-mail with a hyperlink to the URL of a voting campaign." (Column 18, lines 45-60).

Therefore, Bayer et al. teaches a system of providing a consent email message to potential voters (the email is sent in order to solicit voters to a particular voting campaign) wherein the consent email message includes a hyperlink to a consent website (the URL of a voting campaign is provided); thus, the limitations of the claim is met.

Column 12, lines 22-24 state, "It (the URL which is stored in the ReferrLink field to assign a registration campaign in step 52d) accomplishes the hyperlinkage between the voting site and the associated registration campaign at the registration site, if desired". Therefore, the hyperlink to the URL of a voting campaign will also indirectly provide a hyperlink to the registration campaign, each of which are embodied as separate websites.

As per claims 9 and 27, the Applicant argues that the Examiner has mischaracterized the teachings of the Bayer et al. reference, that the Examiner's characterization of "Voting Digital ID and VoteCookie" are incorrect. The Examiner agrees that VoteCookie is an instance of a Voting Digital ID, that they are one and the same. However, despite the typographical oversight of the Examiner, it is submitted that

VoteCookie still meets the limitation of the claim. VoteCookie is an electronic certificate stored on the host device associated with the eligible voter, which is used to produce a comparison result in validating the voter.

As per claims 16 and 33, the Applicant argues the Examiner has analogized "the URL of a voting campaign" to "the consent website" and also that the Examiner has analogized the "registration campaign" to "the content website".

The Examiner submits that a URL (uniform resource locator) is a global address of documents and other resources on the World Wide Web. On the Web, a URL may address a web site or any file supported by the HTTP protocol.

Taken in context, the passages in Column 18 preceding cited lines 58-60 explain that "*The registration campaigns at the registration site* operate independently of voting campaigns in system 10, but *provide a means of obtaining registration information about voters which may be used to later solicit voters to a particular voting campaign, such as by E-mail with a hyperlink to the URL of a voting campaign*".

Column 12, lines 22-24 state, "It (the URL which is stored in the ReferrLink field to assign a registration campaign in step 52d) accomplishes the hyperlinkage between the voting site and the associated registration campaign at the registration site, if desired". Therefore, the hyperlink to the URL of a voting campaign will also indirectly

provide a hyperlink to the registration campaign, each of which are embodied as separate websites.

Therefore, Bayer et al. teaches a system of providing a consent notification (email) to potential voters (the email is sent in order to solicit voters to a particular voting campaign) and notifying said potential voters to the consent website (the URL of a voting campaign is provided); thus, the limitations of the claim is met.

The intent of the registration campaign is to have users register for participation in the corresponding voting campaign. Bayer et al. teaches that, "in addition to enabling voting on surveys in multiple campaigns at voting site 22, system 10 allows voters, or other registrants, to register under one of multiple registration campaigns through a registration questionnaire at registration site 24. Similar to a voting campaign, each registration campaign has an assigned URL. An embedded hyperlink to a particular URL of an associated registration campaign may be provided" (Column 18, lines 45-55).

As per claim 21, the Applicant argues that Bayer et al. fails to disclose "wherein the voter database is stored in the memory". The Examiner respectfully disagrees. The Examiner cites Column 5, lines 12-15, which states, "... memory 14 storing a database 15, and a transaction server 16 connected to the memory 14 which enables the network server 12 to access and update records in tables of the database 15". The Applicant

has further cited, Column 6, lines 66- 67, which states, "Multiple records in tables of database 15 store voting information."

If memory 14 stores database 15, and database 15 stores voting information, then memory 14 stores voting information. Columns 7-10 explain the contents of the voting information stored. Specifically, "The VoteLog table 44 defines a log for each voter with the voting site of system 10" (Column 7, lines 23-24), and "The Tally table 46 records a tally of the vote totals for each of the answers to the questions for each survey" (Column 7, lines 26-28). Therefore, Bayer et al. teaches a system where a database compiles a list of all voters who have voted in a specific voting campaign, along with their voting selection, teaching the limitation of the claim.

As per claim 22, the Applicant argues that Bayer et al. fails to disclose "wherein the voter database is accessed by the voting management processor over a network."

The Examiner respectfully disagrees and asserts that support is provided in the following passages of Bayer et al. Transaction server 16 is connected to memory 14 storing database 15 (Column 5, lines 13-14, Figure 1). Network server 12 enables network connections to computers 18 through a network 20, preferably the Internet, World Wide Web, or other wide area networks (Column 5, lines 15-16). Each of the computers 18 represents a network client when connected to network server 12, such that the network server 12 performs tasks at the commands of the network client

(Column 5, lines 25-28). Network server 12 is coupled to transaction server 16 (Column 5, lines 39-40, Figure 1). Memory 14 is a memory storage unit, such as the hard disk drive of the computer system providing transaction server 16 (Column 6, lines 11-14, Figure 1). Administrator computer 17 connects to network server 12 via network 20 (Column 6, lines 15-17, Figure 1).

Therefore, it has been established that Bayer et al. teaches a system comprising of a network server connected to a plurality of computers over a network, and is further coupled to a transaction server and an administrator computer. Furthermore, even if a single computer houses a memory storing a database, the connection of said computer to a computer network enables said computer to be accessed by a different computer over said network, meeting the limitations of the claim.

As per claim 23, the Applicant argues that Bayer et al. does not teach a memory storing additional instructions.

The Examiner respectfully disagrees. Column 5, lines 42-44 state, "The network server 12 operates in accordance with software representing programmed instructions providing a voting site 22 and a registration site 24 on network 20". Bayer et al. also teaches, according to Column 5, lines 59-61, "The transaction server 16 represents a computer system connected to memory 14 and programmed in accordance with

database software.." Furthermore, it is inherent in programmed instructions in executable software are stored in computer memory.

9. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As per claim 28, the Applicant argues that the Examiner has improperly cited the "VoteLog table" as a disclosure of "the memory".

The Examiner respectfully disagrees. Bayer et al. has clearly established that voting information is stored in database 15, which is stored in memory 14. VoteLog table has been defined as voting information (Column 6, line 66 – Column 7, line 24) which is stored in database 15, meeting the limitation of the claim.

As per claims 35 and 36, the Applicant argues that Bayer et al. fails to disclose the steps of "sending voting notification email messages to the plurality of eligible voters, wherein the voting notification email messages provide access to a voting website managed by the voting server" and "sending consent email messages to the plurality of potential voters".

The Examiner respectfully disagrees. Bayer et al. teaches that, "in addition to enabling voting on surveys in multiple campaigns at voting site 22, system 10 allows voters, or other registrants, to register under one of multiple registration campaigns through a registration questionnaire at registration site 24. Similar to a voting campaign, each registration campaign has an assigned URL. An embedded hyperlink to a particular URL of an associated registration campaign may be provided in the results page provided by the voting site, such that a voter at the voting site may link (connect) to the associated registration campaign at the registration site. The registration campaigns at the registration site operate independently of voting campaigns in system 10, but provide a means of obtaining registration information about voters which may be used to later solicit voters to a particular voting campaign, such as by E-mail with a hyperlink to the URL of a voting campaign." (Column 18, lines 45-60). The recipients are thereby notified of a particular voting campaign, and are provided with a URL to the voting campaign, where they can communicate their consent by registering to vote.

Therefore, Bayer et al. teaches a system of providing a consent/voting notification email message to a plurality of potential/eligible voters (the email is sent in order to solicit voters to a particular voting campaign), each email including a hyperlink to the URL of a voting campaign (voting website) managed by the network and transaction servers (voting server); thus, the limitation of the claims are met.

Regarding Applicant comments made on pages 9-13 of the amendment, the Applicant has attempted to challenge the Examiner's taking of Official Notice on claims 6, 8, 11, 12, 13, 14, 15, 17, 25, 29, 30, 31, 32, 34, 37, 38, and 39; however, applicant has not provided adequate information or argument so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

10. As per claim 4, the Applicant's argument that Bayer et al. fails to disclose the step of "providing a plurality of hyperlinks on the voting website" has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the old and well-known concept in the surveying/electoral arts that there are a myriad of issues in any election.

For instance, in a political election, each candidate has a different platform, and further, each candidate has a different outlook on key issues (such as health care, Social Security, etc.). Official Notice is taken that the step of providing potential participants with additional information regarding the issues and candidates/choices in a survey/election is old and well known in the surveying/election arts.

11. As per the Applicant's traversals of inherency rejections made by the Examiner in claims 11 and 29, Applicant's arguments that the Examiner has failed to establish inherency has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of election practices that are old and well-known in the art. Official Notice is taken that in traditional voting system, votes are tallied at voting centers and the ballots are then sent to a central facility in case of a recount; similiarly, electronic embodiments of voting systems also tally votes, and forward ballots to a proxy party (transfer agent) for independent recounting and management of ballots.

12. As per the Applicant's traversals of inherency rejections made by the Examiner in claims 13 and 31, Applicant's arguments that the Examiner has failed to establish inherency has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of election practices that are old and well-known in the art. Official Notice is taken that votes are counted only if completed during predetermined voting periods (votes occurring after the deadline would not be counted); therefore, votes that are completed outside of the predetermined voting periods would not need to be counted or sent to a proxy party, as they are invalid.

13. As per the Applicant's traversals of inherency rejections made by the Examiner in claim 15, Applicant's arguments that the Examiner has failed to establish inherency has

been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of election practices that are old and well-known in the art. Official Notice is taken that it is old and well known in the computing arts that emails are delivered via the Internet (to external users) or Intranet (to internal users).

14. As per the Applicant's traversals of inherency rejections made by the Examiner in claims 37 and 39, Applicant's arguments that the Examiner has failed to establish inherency has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of election practices that are old and well-known in the art. Official Notice is taken that it is old and well known in the surveying/election arts that votes completed by eligible voters are counted when producing a voting result.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Choi
Examiner
Art Unit 3623

Pc

November 28, 2005

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